

Attorney Docket No.: C4301(C)  
Serial No.: 10/520,393  
Filed: September 26, 2005  
Confirmation No.: 5150

### **REMARKS**

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claims 5-7 were rejected under 35 U.S.C. § 112, second paragraph. These claims were said to be indefinite because each contains a narrow recitation within a broad recitation.

Applicant has amended claims 5-7 to remove language representing a narrow recitation within a broad recitation.

The Examiner has stated that the independently claimed invention is construed as being in a Jepson format thereby rendering the preamble preceding "characterized in the" as prior art or applicant assignee's other patented or patent applied inventions.

Applicant has revised the Jepson format to reflect American style claim language. Anything in the Jepson preamble is not considered by applicant as necessarily prior art or applicant assignee's other patented or patent applied inventions. The Jepson format was used in the PCT merely to comply with European Patent Office protocol.

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Claims 1-2 and 5-7 were rejected under 35 U.S.C. § 102(b) as anticipated by Gerlach et al. (U.S. Patent Application 2004/0025368). Applicant traverses this rejection.

Gerlach et al. fails to disclose a foamed material. Neither is there any disclosure of a plurality of charging conduits which communicate fabric treatment composition to regions of the foamed material. Absent these features, the reference could not anticipate the claims.

Claims 1-7 were rejected under 35 U.S.C. § 102(c) because assignee's earlier patent application Serial No. 10/465,170 with claims published in U.S. Patent Application 2003/0213145 have identical claims and was abandoned. Applicant traverses this rejection.

New independent claim 8 has features quite distinct from those claimed in assignee's earlier patent application. For instance, the published independent claim 1 has no reference to a foamed material nor to any charging conduits. There is no anticipation.

Claims 3-4 were rejected under 35 U.S.C. 103(a) as unpatentable over Gerlach et al. in view of Van Der Merwe (U.S. Patent 5,843,030). Applicant traverses this rejection.

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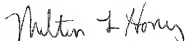
Neither of these references disclose a foamed material. These references are also deficient in disclosing charging conduits which communicate with a plurality of regions on the foamed material. For these reasons, the combination of references would not render the instant invention *prima facie* obvious.

Claims 1-7 were rejected for obviousness-type double patenting over claims 1-19 of U.S. Patent 7,065,903.

Applicant herewith submits a Terminal Disclaimer which is believed to obviate this rejection.

In view of the foregoing amendment, Terminal Disclaimer and comments, applicant requests the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,



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